

**LICENSING COMMITTEE**

**WEDNESDAY, 10 MARCH 2021**

**THIS MEETING WAS RECORDED AND CAN BE VIEWED AT:**

**[HTTPS://YOUTU.BE/QTOBHS\\_Xi\\_8](https://youtu.be/QTOBHS_Xi_8)**

**Present:** Councillor Emma Plouviez in the Chair

**Cllr M Can Ozsen, Cllr Sophie Conway, Cllr Susan Fajana-Thomas, Cllr Margaret Gordon, Cllr James Peters, Cllr Sem Moema, Cllr Sharon Patrick, Cllr Penny Wrout, Cllr Gilbert Smyth, Cllr Brian Bell (vice-chair) and Cllr Peter Snell**

**Officers:** Robert Gardner, Enforcement and Business Regulation Manager  
Mario Kahrman, ICT support analyst  
Georgia Lazari, Regeneration Project Lawyer (observing)  
Karishma Mahomed, Paralegal (observing)  
Samatha Mathys, Late Night Levy Manager  
Amanda Nauth, Legal Officer  
David Tuitt, Licensing Team Leader  
Gareth Sykes, Governance Services Officer

**Apologies** Cllr Kofo David  
Cllr Caroline Selman  
Cllr Gilbert Smyth

**1 Apologies for Absence**

1.1 Apologies for absence were received from or on behalf of Councillors David, Selman and Smyth.

**2 Declarations of Interest - Members to declare as appropriate**

2.1 There were no declarations of interests.

**3 Minutes of the Previous Meeting**

3.1 **RESOLVED**, the minutes of the previous Licensing Committee meeting, held on the 9 December 2020, were **AGREED** as an accurate record of those meeting's proceedings.

3.2 **RESOLVED**, the minutes of the Licensing Sub-Committee meeting D and E, held on the 4 February 2021 and the 15 September 2020 respectively, were AGREED as an accurate record of those meeting's proceedings.

3.3 **DEFERRED**, the Licensing Committee did not agree on the minutes of the 8th October 2020 Licensing Sub-Committee A meeting as the decision details were omitted from the minutes.

#### **4 Update on the Late Night Levy (Q1, Year 4) - Report and Appendices 1-3**

4.1 Samantha Mathys, the Council's Late Night Levy Manager, updated the committee on the Late Night Levy activities during the first quarter of Year 4 (1 November 2020 to 31 January 2021). During the course of her presentation she highlighted the following points:

- annual income from off-licensed premises, such as shops, supermarkets and takeaways was estimated to be £70,000
- total receipts in Year 4 to date amounted to £16,035. This was down nine percent from the projected forecast for this period
- the cyber attack had affected the Council's ability to collect payments, therefore it was anticipated that there would be a delay to receive the income normally received at the start of the levy year
- for the Year 4 YTD Expenditure, Police Spend from August to November 2020 was £22,417
- a 'Hackney Nights' accreditation scheme had been created and would assist with maintaining safety standards and Coronavirus compliance, managed remotely by operators via the online portal
- there would be three different versions of the scheme: 1) Bars, pubs, restaurants and theatres, 2) Nightclubs and high capacity venues; and 3) Off licences
- at the next Licensing Committee meeting the members would consider the criteria for bars and public houses
- the online portal and accreditation scheme would be instrumental in the safe re-opening of the Night Time Economy (NTE) and a chance for us to build back better.

4.2 The committee discussed the update and the following points were raised:

- disabled persons access to licensed premises was one of the inclusion points as part of the strategy work on the accreditation scheme. Currently this work was at the initial stages but some substantial detail would be provided at the next Licensing Committee meeting
- committee members welcomed the module approach to the accreditation scheme
- it was hoped that more detail could be provided on the environmental and sustainability criteria for the accreditation scheme. It was important that the focus should not just be on commercial waste disposal. It was acknowledged that there were more challenging criteria available relating to sustainability e.g recyclable materials. The Late Night Levy Manager would be put into contact with the organisation Sustain, who

campaign for a healthy and sustainable food system. Sustain had been involved in the Council's food strategy, as discussed at the Council's Scrutiny Panel meeting on the 8th of March

- it was recognised that this scheme would not just be another tick box exercise. It was critical to find a balance between mandatory requirements and pushing all the time to extend some of those parts of the mandatory requirements.

Councillor Gordon AGREED to put the Council's Late Night Levy Manager in contact with Sustain to assist the officer with their work on the Hackney Nights Accreditation Scheme

**RESOLVED**, that the Licensing Committee NOTED the Update on the Late Night Levy (Q1, Year 4) - Report and Appendices 1-3 report and APPROVED the proposal to consult on changes to the levy.

## **5 Proposal to Consult on Changing the Terms of the Late Night Levy In Hackney**

5.1 David Tuitt, Licensing Team Leader, introduced the report on a proposal to consult on a change to the Late Night Levy to enable a 30% reduction to licences meeting certain criteria. The committee noted a table setting out the levy amounts payable (according to bands A to E) and the reduction to be received if a business were to qualify. Members also noted a second table showing the estimated number of relevant licences per band in the borough along with the forecasted levy receipts at present. Regarding timescales for this work, there was an expectation that the consultation report would go to the September 2021 Licensing Committee meeting with a final report going to Council on the 20th of October 2021 for approval.

5.2 The committee discussed the proposal and the following points were raised:

- it was important that the LNL work needed to include off licenses and to address those instances where some licensed premises were selling alcohol to customers who were clearly already very inebriated and ended up causing a nuisance. It was hoped that the incentivisation aspect of the scheme would encourage a greater number of responsible premises licensed holders
- it was felt that the licensing service needed to adopt a different approach to off licences and that the Council should share its views with them first. It was recognised that those persons who worked in off licenses were some of the most hardworking in Hackney
- it was hoped that the off licences would participate in the system more via the the Pubwatch scheme and then bring them into the consultation process on the levy
- those premises signed up to the scheme would be accredited and reviewed annually. They would have to meet all the mandatory criteria of the scheme each year in order to qualify for the 30% reduction
- the draft criteria was currently still being worked on for the accreditation scheme. The consultation was a procedural step as part of this work
- members noted that at this stage the committee were being asked to approve the consultation not the criteria.

**RESOLVED**, Licensing Committee NOTED the report and APPROVED consultation on changing the terms of the levy.

## **6 Commencement of Cumulative Impact Research**

6.1 David Tuitt, Licensing Team Leader, introduced the report updating the Licensing Committee on the commencement of work to assess cumulative impact in the borough. There were currently two areas suffering from cumulative impact in the borough, these were the Special Policy Areas (SPAs) in Dalston and Shoreditch. When researching the cumulative impact the licensing service would collate various 'quantitative' and 'qualitative' datasets e.g. licensing statistics, Crime/disorder data, the planning service's work on the development of the Local Plan (LP33) and the alcohol strategy work carried out by the Council's public health team. The licensing service would first look at the cumulative impact and determine if it needed to be consulted on. If it was decided that there would be a consultation, and depending on the decision made by the Council, the cumulative impact assessment would form the basis policy. The licensing service would decide on whether the policy needed to be revised and to go out for consultation on that policy too. Research was expected to be presented at the June and September committee meetings. Members noted that currently this work's timescales were not finalised.

6.2 The committee discussed the report and the following points were raised:

- members were fully supportive of the idea in principle, however, there were concerns raised about some of the recent applications in the SPAs that the licensing sub-committee considered. It was hoped that with this research the sub-committees would be able to consider applications in their full cycle if an applicant rejected for a licence. Any evidence that was gathered needed to support the sub-committees and gave a fuller picture of the cumulative impact. The licensing service needed to look at what evidence was available but it had to ensure that it did not pre-judge that evidence
- there was an expectation that there maybe some policy changes a result of this research
- it was recognised that currently it was not clear what the state of the industry would be post covid19
- talks with the industry about the future of SPAs were continuing
- it was recognised that there was a balance to be struck between the survival of the industry on one hand and the needs of the local residents on the other
- there was an expectation that the lockdown would impact on the research, for example on the crime and disorder data. It was also expected there would be an uptick in crime and disorder from last July when the lockdown ended. This was also likely to be reflected in other data e.g Accident and Emergency admissions
- there was no legislation that could act as a threshold. For the licensing service it was about using the evidence that was available
- the licensing service would also look at the local concerns that had arisen about SPAs and about making them operate more smoothly

- the licensing service, in terms of gathering the evidence, had previously looked back within a five year period. A lot would depend on what statistics were available
- the licensing service, in the past, had looked at transport-related statistics, for example in relation to Shoreditch. However, it was noted that it was difficult to measure who was using the Night Time Economy (NTE).

**RESOLVED**, the Licensing Committee NOTED the commencement of the cumulative impact research report.

## **7 Update to Delegation of Functions at Appendix F Statement of Licensing Policy**

- 7.1 David Tuitt, Licensing Team Leader, introduced the report updating the Licensing Committee on Appendix F of the Council's Statement of Licensing Policy to ensure that it reflected recent legislative changes. The new sections inserted into Appendix F were outlined at paragraph 3.3 of the report. At paragraph 3.4 of the report it was detailed that those existing sections of Appendix F were amended. With the latter reference to the Police was removed and was replaced with the Home Office.

**RESOLVED**, the licensing committee NOTED the update report on the Delegation of Functions at Appendix F Statement of Licensing Policy and the update to Appendix F (Delegation of Functions) contained within the Statement of Licensing Policy.

## **8. Any Other Business**

- 8.1 There were no other business items for consideration at the meeting.

**Meeting duration: 19:00 - 20:07 Hours**

Chairperson at the meeting: Cllr Emma Plouviez  
Wednesday, 10th March 2021